

FINAL

**MINUTES OF THE COTTONWOOD HEIGHTS CITY
PLANNING COMMISSION MEETING**

Wednesday, April 18, 2012

5:00 p.m.

**Cottonwood Heights City Council Room
1265 East Fort Union Boulevard, Suite 300
Cottonwood Heights, Utah**

ATTENDANCE

Planning Commission Members:

Perry Bolyard, Chair
Paxton Guymon
Lindsay Holt
James S. Jones
Dennis Peters
Joseph L. Scott
Jennifer Shah
Gordon Walker

City Staff:

Brian Berndt, Planning Director
Larry Gardner, City Planner
Shane Topham, City Attorney
Mike Johnson, Planning Technician

BUSINESS MEETING

1.0 WELCOME/ACKNOWLEDGEMENTS – Chair Bolyard.

Chairman Bolyard called the meeting to order at 6:01 p.m.

2.0 CITIZEN COMMENTS.

There were no citizen comments.

3.0 ACTION ITEMS.

3.1 (Project #CUP 11-004) Action on a proposal from Cottonwood Partners requesting approval to construct two office buildings located at 2750, 2770, and 2800 East Cottonwood Parkway.

(18:02:13) Planning Director, Brian Berndt, presented the staff report and stated that the applicant submitted the information necessary for the property valuation. Clarification was given on the issue of glass reflectivity. Mr. Berndt stated that what was received was a Value Impact for Residential Property Report for the proposed office development. The report was submitted by Jay Philip Cook, an MAI Certified Licensed Appraiser and dated April 17, 2012. It was suggested that citizens be allowed to give input on the issue.

(18:12:20) Commissioner Shah moved to schedule a Special Meeting for May 16, 2012, and provide citizens through and including May 11, 2012, to submit written comments. Commissioner Jones seconded the motion.

It was suggested that the issue of reflectivity be addressed in the motion.

Commissioner Shah moved to amend the motion to include written responses citizens might want to provide on the reflectivity issue. Commissioner Shah seconded the amended motion. Vote on motion: Joseph L. Scott-Aye, Dennis Peters-Aye, Jennifer Shah-Aye, Paxton Guymon-Aye, James S. Jones-Aye, Lindsay Holt-Aye, Chair Bolyard-Aye. The motion passed unanimously.

It was clarified that a meeting was scheduled for May 2, 2012. The meeting scheduled for May 16, 2012 would be a Special Meeting.

Commissioner Scott suggested citizens be asked to submit a clear, concise version of the proposed findings of fact with respect to each of the standards set forth in Section 19.84.080 of the City Code, which lists the criteria of sub-sections A through O, to be considered for the proposed conditional use. He explained that the intent was for both sides to make their arguments and identify reasons for the Commission to adopt findings of fact under each of the criteria. Commissioner Scott also stated that State Code needs to be addressed in connection with the standards under the City Code. He explained that State Code specifically states that the Commission should approve a conditional use if reasonable conditions are proposed or can be imposed to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards. If reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with applicable standards, the conditional use may be denied. He stated that both Code Sections refer to applicable standards to base either the approval or denial of conditional use, which he felt needed to be addressed when looking at the proposed findings under the City's ordinance. City Attorney, Shane Topham, pointed out that the conditional use in question involves an increase in building height.

A legal question was raised about whether there are other applicable standards in City Code pertaining to the conditional use for height. The Code states that an additional one foot of setback is required for each additional foot of height. It was clarified that this was the reason for asking both the neighborhood and the applicant to inform the Commission of what could be missing.

(18:18:27) Commissioner Shah moved to set the deadline as May 11, 2012, to receive comment from representatives of the applicant as well as representatives of the adjacent neighborhood to provide statements providing support for the requirements set forth in Section 19.84.080 listing the basis upon which a conditional use may be approved or denied.

It was suggested that a page limit be imposed on written comments submitted.

Commissioner Shah amended her motion to request comments be limited to no more than five pages. Commissioner Scott seconded the motion.

A question was raised about the legality of limiting written comments to five pages. Mr. Topham stated that such a limit could be set since the requirement would be the same for both sides.

Commissioner Holt asked about the definition of the term “standard”. It was noted that the term was not defined under LUDMA and both sides would decide the applicable standards. Commissioner Shah addressed the question of standards and referred to Section 19.84.080, which stated that the Planning Commission shall only approve with conditions or deny a conditional use based on written findings of fact with respect to the standards set forth in items A through O. It was clarified that this was not a requirement and the Commission was simply inviting citizens to submit findings.

Vote on motion: Joseph L. Scott-Aye, Dennis Peters-Aye, Jennifer Shah-Aye, Paxton Guymon-Aye, James S. Jones-Aye, Lindsay Holt-Aye, Chair Perry Bolyard-Aye. The motion passed unanimously.

3.2 Approval of the March 21, 2012 Minutes.

(6:27:09) Commissioner Scott moved to approve the March 21, 2012, minutes as written. Commissioner Jones seconded the motion. Vote on motion: Joseph L. Scott-Aye, Dennis Peters-Aye, Jennifer Shah-Aye, Paxton Guymon-Aye, James S. Jones-Aye, Lindsay Holt-Aye, Chair Bolyard-Aye. The motion passed unanimously.

4.0 ADJOURNMENT

Commissioner Scott moved to adjourn. Commissioner Shah seconded the motion. Vote on motion: Paxton Guymon-Aye, Lindsay Holt-Aye, Dennis Peters-Aye, Joseph L. Scott-Aye, Jennifer Shah-Aye, Chair Perry Bolyard-Aye. The motion passed unanimously.

I hereby certify that the foregoing represents a true, accurate and complete record of the Cottonwood Heights City Planning Commission Meeting held Wednesday, April 18, 2012.

A handwritten signature in cursive script, reading "Teri Forbes". The signature is written in dark ink and is positioned above a horizontal line.

Teri Forbes
T Forbes Group
Minutes Secretary

Minutes approved: May 2, 2012